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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,593	06/08/1999	MARY E. FARMER BROCK	118776-1	5630

7590 12/19/2001
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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2166

DATE MAILED: 12/19/2001

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/327,593

Applicant(s)

BROCK ET AL.

Examiner

Sam Rimell

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 and 9-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 10, 11, 14-17, 22 is/are allowed.
- 6) ☒ Claim(s) 3-7, 12, 13 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 2 and 9 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

SAM RIMELL
PRIMARY EXAMINER
A/2/66

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3-7, 12-13, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Sauder ('876).

Figure 6 of Sauder discloses rectangular, flat base members which support wall sections in the form of vertical posts mounted at edges of the base members. Each post includes grooves with openings at their upper ends so as to support a wall panel between the posts. The base members also include grooves which are aligned with the grooves in the vertical posts so as to support the wall panels. Figure 6 is only partial view of a construction for a set of walls, and it is clear that any number of base members, posts or walls sections can be deployed in a given construction.

Claims 2 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

sl
10-11,
Claims 14-17 and 22 are allowed.

Remarks

The rejections under 35 USC 112 have been overcome by applicant's amendment.

Claim 12 has been amended to recite designs on the wall panels that correspond to a miniature environment. Claim 19 has been amended to recite first and second designs on the wall panels which cooperate to simulate a miniature environment.

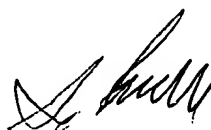
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The “miniature environment” is not anywhere defined in the claims, and could constitute any type of environment imaginable, such as an empty undecorated windowless room. If this is defined as the “environment”, and it certainly could be, then undecorated walls would be the design that contributes to that environment.

In general, examiner does not believe that patentability can be established on the basis of indicia created on wall panels. Even if applicant were to extensively amend the claims from the their current state and define very specific forms of indicia on the walls, it would not be a basis on which to establish patentability. For example, if applicant were to recite indicia simulating wallpaper, it would not serve as a basis of patentability, since it is well known in the art to paint walls so as to simulate wallpaper. If applicant were to amend the claims to recite indicia simulating clouds or a sunset, it would not serve as a basis for patentability since it is well known in the art to place picture on wall depicting clouds or a sunset.

Examiner believes that patentability in the present invention cannot be established beyond what has already been indicated as patentable.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 3712